

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:97-CR-32-BR

UNITED STATES OF AMERICA)	
)	
v.)	<u>ORDER</u>
)	
ORLANDO EDWARDS)	
)	

This matter is before the court on defendant's 30 October 2012 motion for a hearing pursuant to 18 U.S.C. § 4247(h) to determine whether he still meets the criteria for commitment under 18 U.S.C. § 4243. On 7 February 2013, the undersigned held a hearing to make such a determination.

Defendant was found not guilty by reason of insanity on a charge of Bank Larceny on 10 November 1997 and thereafter committed to the custody of the Attorney General pursuant to 18 U.S.C. § 4243. Under 18 U.S.C. § 4243(d), a defendant found not guilty by reason of insanity for an offense involving a substantial risk of bodily injury, such as the offense involved here, has the burden of proving to the court by clear and convincing evidence that his release would not create a substantial risk of bodily injury to another person or serious damage of property of another due to a present mental disease or defect.

Based on the evidence presented at the hearing, defendant has met this burden. Accordingly, IT IS HEREBY ORDERED, pursuant to 18 U.S.C. § 4243(f), that defendant be

unconditionally released forthwith and that this file be closed.

This 7 February 2013.

A handwritten signature in green ink, appearing to read "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge